

REMARKS

The following remarks are submitted to address all issues in this case, and to put this case in condition for allowance. Applicant amends the claims in this case simply to better define the subject matter of the present invention; no new matter is added in these amendments. After the above amendment, application claims 34-44 and 47-57 are pending in the application. Application claims 34, 47, 50, and 57 are the only independent claims. Applicant has studied the Office Action mailed January 4, 2007 (“Office Action”) and has the following remarks.

The Examiner’s acknowledgement of Applicant’s election is noted. For clarity and simplicity of prosecution, Applicant has cancelled claims 1-33, which were withdrawn from consideration by this election.

35 U.S.C. § 102

The Examiner has rejected claims 34-56 as being anticipated under 35 U.S.C. § 102(e) by Weber et al., Patent No. 6,579,213. Applicant respectfully traverses this rejection, as Weber fails to show a first axis and a second axis, each of which are present at the pivot point at which the arms attach to the frame, that are not parallel to each other. The Examiner contends that Weber shows a first arm rotating about a first axis of rotation and a second arm rotating about a second axis of rotation different from the first axis of rotation, said first axis and said second axis not being parallel. Applicant respectfully contends that the first and second axes of Weber as interpreted by the Examiner are not the first and second axes of the present claims. Applicant further respectfully contends that the axes in Weber that structurally correspond to Applicant’s first and second axes are in fact parallel to each other.

The Examiner cites Weber col. 3 ll. 13-26 for support that Weber’s first and second axes anticipate the first and second axes claimed herein. Weber shows each arm utilizes a first axis

generated at the point of the first pivot sleeve 24 and a second axis generated at the point of the second pivot sleeve 26. These two pairs of first and second axes, in addition to a third pair of axes around pivot sleeve 42, permits the “perpendicular tri-pivot system in which all of the pivots are perpendicular to each other” cited against Applicant. See col. 5 generally; col. 5 ll. 41-43; FIG. 7; col. 9 ll. 33-50; col. 10 ll. 13-32. Thus, Weber’s arms present three pairs of axes. Weber’s first, second, and third axes are all found on both arms, and contribute to the fact that the arm comprises a main arm and a swing arm which must be adjusted to engage in pushing and pulling motions. Specifically, only Weber’s first axis connects an arm to the frame; the second and third axes are internal to the arm. See col. 5 ll. 43-46.

In contrast, Applicant respectfully points out that each of Applicant’s first and second axes correspond to only one arm and are not present in pairs. That is, each of Applicant’s arms forms an axis (a first axis for a first arm, and a second axis for a second arm) at the point of connection to the frame. Applicant’s FIG. 5 shows this first and second axis as 305L and 305R. Applicant’s arms, in isolation from the frame to which they are attached, do not comprise a point about which the arms may pivot and form an axis, in contrast to Weber’s second pivot sleeve 26 and third pivot sleeve 42. Applicant’s claims thus provide a nonparallel first axis and second axis at the points at which the first and second arms connect to the frame.

Weber’s axes formed at the first pivot sleeve 24 connecting the two arms to the frame are not nonparallel as required by the claims herein, as can be clearly seen in Weber’s FIGS. 3 and 11, and the orientation of first pivot sleeves 24 shown therein.

By clarifying independent claims 34, 47, 50, and 57 to illustrate the structural distinction between Applicant’s first and second axes and Weber’s first, second, and third

axes, Applicant respectfully asserts that independent claims 34, 47, 50, and 57 and all dependent claims therefrom, are clearly not anticipated by Weber under § 102(e).

In light of the above remarks, Applicant believes there are no further issues regarding the patentability of the pending claims and respectfully requests the Examiner withdraw the rejections and allow all pending claims so that this case can pass on to issue.

Applicant believes that no fees are due in connection with the filing of this Response. However, the Commissioner is hereby authorized to charge or credit to our Deposit Account, No. 50-0975, any fees due in connection with the filing of this Response.

If there are any questions regarding this Response, the Examiner is invited to contact the undersigned at (314) 444-7783.

Respectfully submitted,
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